

Department of Human Resource Management

Work Force Adjustment Plan
and
Reduction in Force

Business Practices

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Definitions

“At will” employee (schedule A): An individual appointed to work for no specified period of time or one who has not acquired career service status and may be separated at any time without just cause.

Bumping: A procedure that may be applied prior to a Reduction in force (RIF) action. It allows employees with higher retention points to bump other employees with lower retention points as identified in the work force adjustment plan, as long as employees meet the eligibility criteria outlined in interchangeability of skills.

Career service employee (schedule B): An employee who has successfully completed a probationary period in a career service position.

Category of work: A job series within an agency that is designated by the agency head as having positions to be eliminated agency wide through a reduction in force. Category of work may be further reduced after review by DHRM as follows:

- (a) a unit smaller than the agency upon providing justification and rationale for approval, for example:
 - (i) low org;
 - (ii) cost centers;
 - (iii) geographic locations;
 - (iv) agency programs.
- (b) positions identified by a set of essential functions, for example:
 - (i) position analysis data;
 - (ii) certificates;
 - (iii) licenses;
 - (iv) special qualifications;
 - (v) degrees that are required or directly related to the position.

Change of workload: A change in the work requirements or a need to eliminate or create particular positions in an agency caused by legislative action, financial circumstances, or administrative reorganization.

DHRM: Department of Human Resource Management

Executive Director: Agency head or chief executive officer of each agency or their designated appointee.

Exempt RIF'd individual (E-RIF): A career service exempt employee who is not being retained in his/her schedule A position but who previously had career service status (completed probationary period in schedule B position) immediately prior to the schedule A position without a break in service.

Furlough: A temporary leave of absence from duty without pay for budgetary reasons or lack of work.

GRAMA: Government Records and Management Act (UCA 63-2-101 thru 63-2-1001)

Interchangeability of skills: Employees are considered to have interchangeable skills only for those positions they have previously held successfully in Utah state government employment or for those positions which they have successfully supervised and for which they satisfy job requirements.

Job: A group of positions similar in duties performed, in degree of supervision exercised or required, in requirements of training, experience, or skill and other characteristics. The same salary range and test standards are applied to each position in the group.

Job Identification Number: A unique number assigned to a job by DHRM.

Job requirements: Skill requirements defined at the job level.

Position: A unique set of duties and responsibilities identified by DHRM authorized job and position management numbers.

Position Identification Number: A unique number assigned to a position for FTE management.

Position Management Report: A document that lists an agency's authorized positions including job identification numbers, salaries, and schedules. The list includes occupied or vacant positions and full or part-time positions.

Protected information: Records that may be kept confidential under GRAMA (UCA 63-2-304).

Reappointment: Return to work of an individual from the reappointment register. Accrued annual leave, converted sick leave, compensatory time and excess hours in their former position were cashed out at separation.

Reappointment register: A register of individuals who have:

- (a) held career service positions and been separated in a reduction in force;

- (b) held career service positions and accepted career service exempt positions without a break in service and were not retained, unless discharged for cause;
- (c) by Career Service Review Board decision been placed on the reappointment register.

Reassignment: A management initiated action moving an employee from his current job or position to a job or position of an equal salary range for administrative, corrective action or other reasons not included in the definition of demotion, transfer or reclassification. Management may also move an employee to a job or position with a lower salary range with employee written consent, when permitted by applicable federal or state law, including, but not limited to the Americans with Disabilities Act. A reassignment may be one of the following:

- (a) a different job or position;
- (b) a different work location;
- (c) a different organizational unit; or
- (d) a different agency.

Reduction in Force (RIF): Abolishment of positions resulting in the separation of staff. RIFs can occur due to inadequate funds, a change of workload, or a lack of work.

RIF'd individual: A former employee who is separated as a result of a reduction in force.

Salary Range: The segment of an approved pay plan assigned to a job.

Transfer: An employee initiated movement from one job or position to another job or position for which the employee qualifies in response to a recruitment. A transfer may be to one or more of the following:

- (a) a job or position with the same salary range;
- (b) a job or position with a lower salary range;
- (c) a different work location;
- (d) a different organizational unit; or
- (e) a different agency.

USERRA: Uniformed Services Employment and Reemployment Rights Act of 1994 (P.O. 103-353), requires state governments to re-employ eligible veterans who left state employment to enter the uniformed services and who return to work within a specified time period after military

discharge. Employees covered under USERRA are in a leave without pay status from their state position.

Work Force adjustment plan (WFAP): A document completed by a state agency which specifies the reasons for a Reduction in force, the affected categories of work, and the retention points of affected employees.

WFAP coordinator: DHRM specialist responsible for reviewing WFAPs, E-RIF individual eligibility for the reappointment register, and ensuring that the reappointment register is maintained and distributed according to current DHRM business practices.

Work Force Adjustment Plan (WFAP) Business Practices

NOTE: Before doing a Work Force Adjustment Plan: Prior to the implementation of a Work Force Adjustment Plan, agencies should consider the following cost-saving measures:

- Eliminating planned purchases of equipment
- Attrition—not filling vacancies
- Hiring freeze
- Transfers
- Reassignments
- Retirements
- Furloughs
- Retraining

Policy Statement: All work force adjustment plans (WFAP) will be developed and implemented in accordance with UC 67-19(18), DHRM Rule 477-12-3, and these business practices.

A. Drafting a WFAP. If agency management determines that a reduction in-force is required, the human resource director or human resource representative must draft a WFAP for DHRM review and approval. A WFAP is required only when a position with a career service incumbent is being abolished.

The following instructions correspond to the information requested on the DHRM-approved WFAP form (see Appendix A).

1) **Agency Name:** Specific name of agency submitting plan. Agency number may be included if desired.

2) **Specify the reason(s) for Reduction in Force (RIF).** Acceptable reasons for a RIF include inadequate funds, change of workload, or lack of work (see item J for additional information on changing employee hours due to funding or workload issues). Provide a clear explanation of the changes that have occurred and why this RIF is necessary. Attach any necessary supporting documentation.

a. **If the reason for the RIF is inadequate funds or the need for cost savings, explain management's decision to implement or not implement a temporary furlough.** Explain agency management's decision to implement or not to implement a temporary furlough (i.e., won't achieve planned cost savings, etc.).

3) Did agency attempt to facilitate placement of affected employees through normal attrition, retirement, transfer, reassignment, voluntary relocation, retraining, and movement to vacant positions? ____Yes ____No

a. If yes, describe in detail all steps taken by the agency to avoid a reduction in force and the outcome of such action. Consider all options listed including retraining. All attempts to facilitate placement of affected employees should be made in writing. Documentation such as copies of offer letters, responses and outcomes should be kept as part of the agency WFAP file. Specify job titles offered for transfer, reassignment, voluntary relocation or movement to vacant positions, retraining, etc. Identify all vacant positions that are not affected by the RIF and determine if the position could be offered to an affected employee. If no available positions can be offered to the employee, provide rationale. Was retraining the RIF'd individual a viable option? Explain why or why not.

b. If no action was taken to place RIF'd individual(s), explain why.

c. **Was bumping allowed?** ____Yes ____No

Agency management will determine the feasibility of allowing bumping by employees into other positions. In making this decision, consideration should be given to the added disruption of agency work. Since only employees to be RIF'd are included in the WFAP, bumping must occur prior to the submission of the plan. If bumping was allowed, attach a detailed plan for how this was handled (i.e., agency-wide, division, low org/cost centers, etc.). Include all positions that were impacted. Use official job titles, job ids and position identification numbers. *In order to be eligible to bump into another position, an employee must have previously successfully held or successfully supervised this position. A review of affected employees' work histories needs to be done in order to determine which positions they may be eligible to bump into.*

4) Specify implementation date(s) of work force adjustment plan. This is the date when employee(s) will be released. When calculating this date, the agency must allow a minimum of 20 working days for affected employee(s) to appeal to the agency head plus 5 working days for DHRM review and for agency to obtain signatures. "Working days" are considered to be Monday through Friday. Do not count holidays or weekends when calculating the effective date. If a WFAP contains implementation phases, it is permissible to enter time period (i.e., FY 2002 or January 2002 to December 2002, etc.).

a. **Will implementation of the plan occur in stages?**

____ Yes ____ No If implementation will occur in stages, check "yes" and indicate the reason(s). Explain how each stage will be implemented and when. For example: In some cases, it may be necessary to implement the plan in several stages rather than all at once. This is especially true for institutions, or facilities, which must provide on-going patient or client coverage. In the case of a phased-in plan, all potential positions must be identified in the initial WFAP. When the

phased-in portion of the plan is to occur, an additional WFAP document which shows the effective date for this phase and all affected positions (i.e., incumbents, employee IDs, position IDs, and retention scores) must be submitted to DHRM for final approval.

5) **Will this be an Agency-wide WFAP?** ___Yes ___No

a. If no, specify the organizational unit(s) to be impacted by this work force adjustment plan:

- Low Org/Cost center (specific low org(s))
- Geographic location (specify location (s))
- Agency program(s) (specific program(s))

b. Provide justification and rationale for WFAP to be more narrow than Agency-wide.

6) **Identify the category(s) of work to be eliminated.** Use official job titles and job id numbers. If the category of work is in a series (i.e., Human Resource Analyst I, II, and III), include the entire series. If only one level (i.e., HR Analyst II) is to be eliminated provide justification and rationale for not including the entire series in the WFAP. All assigned positions in the identified category of work must be included in the WFAP even if funded by another organization (i.e., federal government, grant, other state agency, etc).

a. **Revenue source for category(s) of work identified:** This refers to the source of funding (i.e., federal, general funds, county, grant, etc.). If there is more than one source of funding, identify all funding for each category of work identified.

b. **Identify the county, or counties, where each position is located.** If different counties, clearly identify in plan.

c. Include an organizational chart(s) identifying low org(s), number of employees, employee names, official job titles with levels (i.e., Special Agent I), position identification numbers and pay ranges.

d. If limiting category of work to specific position(s), attach position analysis or other documentation to provide justification/rationale. Supporting documentation must be provided in UJM/position.

7) **Have non-career service employees (time limited, seasonal, temporary, and probationary) been displaced?** All non-career service employees within the category(s) of work and organizational unit must be separated before any career service employee(s) can be RIF'd. If schedule A and/or probationary employees have not been separated, explain reasons and plans for their separation prior to implementation of the WFAP.

8) **Retention Score Listing.** List all affected employees and their retention scores. Include all career service time in the executive branch of state government. Service in Courts or Legislative branch is **not** counted. Seniority score should be written in number of years and fraction thereof (i.e., 17.25). Part-time employment should be calculated as a portion of hours actually worked. Count time spent on leave without pay in the uniformed services covered under USERRA otherwise **do not count LWOP time**. Add the average of the last 3 performance evaluation scores to the seniority score. If there are less than 3 performance evaluation scores available, state the reason (i.e., hired on.....only 2 evaluations available). *For an explanation of performance evaluation score system see DHRM Rule: R477-10-1.* Include retention score calculation date and the following information: Employee name, employee id, official job title/including level (i.e., Human Resource Analyst I), position id, seniority score, dates of last 3 performance evaluations, last 3 performance evaluation scores, average performance evaluation score, and retention score. To reduce confusion, each category of work or job title should be listed on a separate retention sheet.

NOTE: SAMPLE for Calculating Retention Scores:

Seniority score = # of years + a fraction of a year (i.e. 17 years 30 days = $17 + 30/365$) = 17.08. Convert the fraction of a year to a decimal by dividing the number of days by 365 =.08.

Average performance evaluation score = Average of last 3 performance evaluations (i.e., $(3+2+3)/3 = 2.67$)

Employee Name	Job Title/ ID	Empl ID	PIN	Seniority Score	Dates of last 3 perf eval	List last 3 Perf Eval	Average Perf Eval	Retention Score
Jane Doe	Secretary/ 11026	11122	D459	17.08	6/9/99 6/9/00 6/9/01	2 2 2	2	19.08

9) Signatures:

a. **Recommending Officer:** The person within the agency recommending the work force adjustment. This can be the division director, the program manager, the human resource director, etc.

b. **Department Executive Director:** Executive director, or designee, of the Department/Agency where the work force adjustment will take place.

c. **Department Human Resource Official:** The Department/Agency human resource director, manager, analyst or representative.

d. **Department of Human Resource Management Official:** The assigned DHRM director or specialist authorized to approve work force adjustment plans.

B. Submitting a WFAP to DHRM:

1. A completed WFAP form (Appendix A) will be submitted to the DHRM WFAP coordinator in draft form **without** signatures. All versions of the WFAP will contain a cover memo (or e-mail) identifying who is transmitting the document, the date of transmission and which version of the document (i.e., DRAFT 1, DRAFT 2, FINAL, etc.) is being transmitted. Each version of the WFAP will be clearly marked (i.e., DRAFT 1, DRAFT 2, FINAL, etc.) and dated. Draft plans and supporting documentation can be submitted by interoffice mail, e-mail, fax or hand to the DHRM WFAP coordinator.

2. All versions of the WFAP, along with comments between DHRM and the agency, will be retained by DHRM and become a part of the permanent DHRM WFAP file. All communications between DHRM and the agency regarding the WFAP will be confirmed by e-mail by the WFAP coordinator. These e-mails will be attached to the hard copy drafts and final version of the WFAP and retained in the DHRM WFAP file.

C. DHRM WFAP Review and Approval Process:

1. DHRM WFAP coordinator will perform initial review of WFAP and provide written recommendations to the DHRM Director or specialist assigned to approve WFAPs (see Appendix B, WFAP Review Criteria).

2. If changes or additional information is needed, a second draft will be requested. The agency will receive an e-mail outlining changes or additional information needed. At this time, the agency may modify the effective date (if needed) to allow time for DHRM final approval and 20 working days notice to affected employees. DHRM review turn around time is 5 working days for each draft submitted.

3. Once all modifications have been made and reviewed by DHRM, the agency can submit the final document with appropriate agency signatures to DHRM for formal approval. The final version of the WFAP must be signed by the agency recommending official (usually division director, supervisor, manager, etc.), the department executive director (or designee), and the department human resource official. No plan will receive final approval without these signatures.

4. DHRM will send/fax a copy of the final DHRM-approved WFAP to the agency for its records. DHRM will keep on file all drafts and the signed original of the WFAP as well as all correspondence and/or communication with the agency. This documentation will be maintained as the official DHRM WFAP file.

D. Notification to Affected Employees. After the WFAP has been approved and signed by DHRM, the agency may give formal delivery of written notice of separation to affected employees. (see Appendix C, Sample Agency RIF Notification Letter).

1. This written notification begins the 20-working days appeal period for the employee.
2. Notification letter should be hand delivered to the employee. The employee should sign and date a copy of letter to indicate receipt. If hand delivery is not possible, letter should be sent by “certified” mail and a copy of the return receipt stapled to agency copy of letter to show receipt.
3. A copy of all notification letters must be faxed to the DHRM WFAP Coordinator.
Note: The DHRM process to place RIF’d individual on the reappointment register is triggered by receipt of a copy of the employee notification letter. The process will not begin until a copy of the notification letter has been received.

E. WFAP Appeals. An employee has 20 working days after being given formal notification by the agency that he/she is being separated due to a reduction in force to appeal this action. This appeal must be in writing to the employee’s executive director. The executive director, or designee, will grant the employee a face-to-face meeting to hear appeal. A written response from the executive director, or designee, must be rendered within 10 working days after hearing the appeal. If the executive director’s response remains unanswered for 10 working days after submission or if the employee is dissatisfied with the written response, the grievance may be submitted in writing to the Career Service Review Board (CSRB) Administrator. This CSRB written grievance must be submitted within 20 days from the day the employee receives the executive director’s final written decision or within 20 working days from the date the department head’s administrative review was due.

F. Implementation of WFAP. Once a WFAP has been approved, and the effective date has arrived, the agency can implement the plan. The agency will: (1) terminate all employees in HRE and (2) delete all affected positions in HRE. These positions may not be re-established by the agency for a 12-month period following implementation of the WFAP. Agency must notify DHRM if an approved plan will not be implemented and the reason.

G. Amending an Approved WFAP: If there are any changes to the WFAP, agency must amend the plan, in writing, to DHRM (i.e., if employee(s) listed on the plan is subsequently placed within the agency and will not be RIF’d). Notification can be by e-mail to the WFAP coordinator.

H. Government Records Access and Management Act (GRAMA). In accordance with UCA 63-2-304(25), the WFAP is classified as “protected” under GRAMA. Therefore, only the agency, DHRM, and affected individuals may have access to the WFAP.

I. Career Service Exempt Employees: A WFAP is not required when a career service exempt employee with previous career service status without a break in service is not retained. If an exempt employee is separated, the agency HR representative shall notify DHRM (i.e. verbally or by submitting a copy of the separation letter). DHRM will then begin the process to determine if employee is eligible to be placed on the reappointment register. The DHRM WFAP coordinator will verify exempt employee's eligibility for reappointment as an exempt-RIF'd (E-RIF) individual and ensure appropriate notification is sent to the employee.

J. Change to Employee Hours: Management may change an employee's hours of work from part-time to full-time or from full-time to part-time as required due to changes in workload or budget. A WFAP is not required for these types of changes.

K. Transfer of Function: A WFAP is not required when a function is transferred to another governmental merit system. Career Service employee(s) who are transferred with the function to another governmental merit system will not be RIF'd and placed on the reappointment register provided:

- a. Employee retains merit status by new governmental entity.
- b. Employee retains equivalent state benefits (i.e., sick leave, retirement, length of service, insurance, etc.).

Reduction in Force (RIF) Business Practices

Policy Statement: Reductions in force will be implemented and administered in accordance with UC 67-19(17), UC 67-19(18), DHRM Rules 477-4-4(2)(a), 477-12-3, and these business practices.

A. Placement of career service employees on the Reappointment Register (RIF List): Following are procedures for placement of career service employee(s) who have been separated due to a reduction in force (RIF) on the Reappointment Register maintained by DHRM:

1. A **career service, schedule B, (RIF)** employee who has been identified by the agency through an approved workforce adjustment plan is eligible for placement on the reappointment register (RIF list) for 12 months after separation.
2. The RIF'd individual will be placed on the UJM reappointment register maintained by DHRM after separation and as soon as an intake interview is completed with the assigned-DHRM specialist.
3. If there is a delay in scheduling an intake interview through no fault of the RIF'd individual, he/she will be placed on the reappointment register as soon as the intake interview is completed for a 12-month period from the date he/she is placed on the Reappointment Register.
4. If a RIF'd individual elects not to be placed on the reappointment register immediately, he/she may subsequently be placed on the register at any time during the 12-month period following separation by contacting his/her assigned DHRM specialist and completing an intake interview. However, the lapsed time will be subtracted from the 12-month eligibility period. For example—if the intake interview takes place 3 months after separation, RIF'd individual will be placed on the reappointment register for 9 months.
5. The RIF'd individual will be removed from the reappointment register prior to completion of the 12-month period if the RIF'd individual accepts appointment to a half-time or full-time career service position at a salary range comparable to, or less than, the last career service position held.
6. The RIF'd individual may decline an offer of reappointment or accept a temporary/schedule A position and continue on the register for the remainder of his/her 12-month period.
7. If a RIF retires from state service after the effective date of a WFAP, he/she is eligible for placement on the reappointment register.

B. Placement of career service exempt employees on the Reappointment Register (RIF List): Following are procedures for placement of career service exempt employee(s) (E-RIF) who have been separated from state service and are eligible for placement on the Reappointment Register maintained by DHRM:

1. A **career service exempt individual (E-RIF)** who previously held a career service position immediately prior to his/her exempt position without a break in service may be placed on the reappointment register:
2. After DHRM receives a copy of the E-RIF separation letter from the agency, the individual's eligibility for the reappointment register will be verified.
 - a. A WFAP is not required in the case of an E-RIF who will not be retained in his/her exempt position. However, a copy of the separation letter showing the effective date of separation must be received by DHRM. This letter triggers the start of the DHRM process to place the employee on the reappointment register.
3. The E-RIF will be notified by DHRM of his/her eligibility status for the reappointment register.
4. If eligible, the E-RIF will be placed on the reappointment register after separation from the exempt position and as soon as an intake interview is completed with the assigned DHRM specialist.
5. The E-RIF is eligible to remain on the reappointment register until he/she has been placed in a career service position with an equivalent salary range to the last position held in the career service.
6. The E-RIF may accept a lesser position in the career/exempt service pending a position equivalent to his/her last career service position. In this case, employee will continue to remain on the reappointment register.
7. The E-RIF is encouraged to submit an updated resume annually. The updated resume must be submitted electronically to the assigned DHRM specialist. The DHRM specialist will ensure the updated resume is included in the Utah Job Match (UJM) Recruitment system. Information on the resume will be used to determine if E-RIF meets minimum job requirements and will provide current contact information.
8. If the E-RIF desires to be removed from the reappointment register prior to placement in a career service position, he/she may inform, in writing, his/her assigned DHRM specialist.
9. If an E-RIF retires from state service after the separation date, he/she is eligible for placement on the reappointment register.

C. RIF/E-RIF Individual Benefits:

- 1. Comp or excess time:** For FLSA non-exempt RIF'd individuals, accrued comp/excess time due RIF'd individual will be paid out as of the last day worked. For FLSA exempt RIF'd individuals, only excess leave will be paid out as of last day worked.
- 2. Annual leave:** Accrued leave due to the RIF'd individual will be paid out as of the last day worked. If the RIF'd individual returns to a career service position, or a schedule A position with benefits, the annual accrual rate in place on the last day of work will be reinstated. If RIF'd individual returns to a career service position or schedule A position with benefits--at the agency discretion--he/she may buy back all or part of annual leave that was cashed out. Buy back will be at the rehire's new hourly rate.
- 3. Converted sick leave:** Accrued leave due to RIF'd individual will be paid out as of last day worked. If RIF'd individual returns to a career service position--at agency discretion--he/she may buy back part or all of converted sick leave that was cashed out.
- 4. Sick leave:** Accrued leave will not be paid out. However, if the employee returns to a career service position within 12 months of the last day worked, the unused sick leave will be reinstated.
- 5. Health/Dental:** If the RIF'd individual's current hire date was before 2/15/2003, the last day of coverage under state health/dental programs is the last day of the pay period in which the RIF'd individual receives a pay check. If the RIF'd individual's current hire date is 2/15/2003 or later, the last day of coverage under state health/dental programs is the last pay period in which hours were recorded. However, RIF'd individual does have the option of extending health coverage through COBRA at his/her own expense.
- 6. Retirement:** An employee must be employed in a career service position for a minimum of four (4) years in order to be vested in a state paid retirement fund. If the employee has not completed the four (4) year employment requirement, he/she will not be paid any benefits from the retirement fund. If the employee returns to a career service position at any time in the future, any new hours worked will be credited to those already in the employee's retirement account. Funds in the non-contributory retirement system will not be refunded even if the employee is vested. If vested in the contributory retirement system, employee may request a refund of the employee's portion of the contribution at time of separation. Specific retirement questions should be referred to the Utah Retirement System.
- 7. 401K:** An employee has three options for his/her 401k funds: (a) leave the funds in the account until 59-1/2 which is the earliest funds can be withdrawn without a

penalty; (b) roll funds over into another retirement plan (i.e., IRA or another 401k); or (c) withdraw funds and pay early withdrawal penalty.

8. Life Insurance: An employee may convert 25 percent of the coverage in effect at the time employment terminates as long as membership in the Utah Retirement Systems is maintained. Spouse and dependent coverage will terminate.

9. Transfer of Function: If employee is transferred to another governmental merit system due to a transfer of function, employee is cashed out of annual leave, converted sick leave, excess time or comp time upon separation from state of Utah employment.

D. Requirements for Hiring from the Reappointment Register: Agencies will follow these procedures when recruiting and filling vacant positions.

1. In accordance with UCA 67-19-18(6)(b)(iv)(B), a RIF/E-RIF'd individual who meets the minimum requirements of a job must be reappointed, without examination, to any career service position which has a pay range with a maximum step equivalent to (or lower than) the maximum step of the pay range of the last career service position held.

a. **Exception:** If the maximum step of the salary range of the last career service position held by the RIF/E-RIF has moved upward and the duties have remained essentially the same as those required by the vacant position, RIF/E-RIF may exercise reappointment rights on that vacancy.

b. The reappointment register will list the job, and maximum step, for which a RIF/E-RIF is eligible for reappointment.

2. The human resource representative will check the reappointment register and document the UJM recruitment requisition as required by the UJM Business Practices. *RIF/E-RIF'd individuals from the reappointment register are given priority placement for all career service vacancies, internal as well as public recruitments. This includes any vacant career service position that is open within the work group, office, bureau, division, region, department or agency, including schedule B Career Mobility opportunities.*

3. The human resource representative will follow this process when checking the reappointment register.

a. Check RIF/E-RIF eligibility:

(1) Check the maximum step for eligibility. The vacant position cannot have a higher maximum step of the salary range than that reflected on the reappointment register.

(a) Note: RIF/E-RIF may be eligible for a higher maximum step than his/her last schedule B appointment as noted by the

exception above. If so, this will be reflected on the reappointment register.

(2) Check to ensure RIF/E-RIF meets the minimum requirements of the vacant position.

(a) It is the HR representative's responsibility to assure that the RIF/E-RIF meets the minimum requirements of the job by reviewing all available information that has been provided by the RIF/E-RIF.

(b) It is the responsibility of the RIF/E-RIF to provide, and keep updated, a resume with sufficient detail to assist the HR representative in his/her evaluation.

(c) Reappointment register will list RIF/E-RIF availability information (i.e., location and type of position). It is not necessary to contact RIF/E-RIF on positions for which he/she is not listed as available (i.e., If available for professional positions only, it is not necessary to consider for technician level positions.)

(3) If RIF/E-RIF meets all eligibility requirements as listed above, agency HR representative must contact the RIF/E-RIF to see if he/she is interested in the vacant position.

(a) Contact may be done by telephone, letter or e-mail. At least 3-5 business days should be given for a response; depending upon method used and geographic location of RIF/E-RIF.

(b) The UJM Recruitment system must contain documentation that the reappointment register was checked and the outcome of any RIF/E-RIF contacted regarding interest in the position. The contact letter or e-mail will provide hard copy documentation and should be kept in the agency's recruitment file. Telephone documentation should include date/time of contact and summary of call. It is not sufficient to simply leave a message. If RIF/E-RIF cannot be reached by phone, he/she should be sent a letter or email.

4. If RIF/E-RIF declines position, recruitment file will be documented and recruitment may continue.

5. If RIF/E-RIF is interested in the position, he/she is referred to the hiring official as a candidate eligible for reappointment without further examination. The hiring official cannot conduct an interview. However, the hiring official can discuss the requirements of the job and the salary offered with the RIF/E-RIF.

- (a) Examinations may be conducted **ONLY** on a limited basis to determine if RIF/E-RIF meets special requirements for the position. FOR EXAMPLE, if a physical examination is a bona fide requirement, the agency may have the RIF-E-RIF complete such examination.
- 6. IF RIF/E-RIF accepts the conditions of the position, he/she is reappointed to the position and the recruitment is closed. A RIF'd individual who is reappointed to a career service position will not be required to serve a probationary period. The RIF'd individual shall enjoy all the rights and privileges of a regular career service employee.
- 7. As soon as a RIF/E-RIF has been placed on the reappointment register, he/she is eligible for priority placement into any career service vacancy as long as he/she meets all eligibility requirements for the position and position has not been offered to another candidate. A recruiter should review the reappointment register at the beginning and the end of the recruitment process to make sure eligible RIFs/E-RIFs have not been added to the reappointment register. DHRM may review a recruiter's efforts in these situations to ensure RIF/E-RIF is treated fairly.
- 8. It is not necessary to hold up the recruitment process while waiting for a response from a RIF/E-RIF. However, if the RIF/E-RIF is interested he/she will be given priority. If the RIF/E-RIF accepts the offer, he/she is placed in the position and the recruitment is closed. If RIF/E-RIF declines position, the UJM Recruitment Requisition is documented and recruitment continues.
- 9. When a RIF/E-RIF on the reappointment register is reappointed by an agency, the recruiter must inform the assigned DHRM specialist listed on the reappointment register with the RIF/E-RIF selection, job title, pay range, and effective date of appointment.
 - (a) The DHRM specialist will document RIF/E-RIF file and ensure that the reappointment register is updated as needed.
 - (b) When a RIF/E-RIF is reappointed by the agency, HRE should be coded as "Reappointment by Register".
- 10. The agency may reappoint a RIF/E-RIF to a temporary, schedule A, position and convert him/her to a career service, schedule B, position without further competition if within reappointment eligibility period.
- 11. If more than one qualified RIF/E-RIF from the reappointment register is available for a career service vacant position, the hiring official may select the candidate he/she feels is the best qualified for the position.
- 12. If a qualified RIF/E-RIF cannot start work immediately, an agency should hold the position for a reasonable amount of time, For example, two weeks would be reasonable since two weeks would be appropriate for someone giving notice from his/her current job. However, an agency does not need to hold a position open for an

unreasonable amount of time if a RIF/E-RIF is not available for work or does not respond to agency attempts to contact.

13. **Special benefit for E-RIF:** Individuals designated as E-RIFs have an additional benefit not available to a regular RIF. Per R477-12-3(9), their name shall remain listed on the Reappointment Register if they are appointed to a career service position that has a salary range maximum lower than the salary range maximum of their last career service position held before accepting career service exempt status.

14. If RIF/E-RIF feels an agency has not adequately followed the above hiring procedures, he/she may request a review by the agency head.

E. Salary:

1. When offering a salary to the RIF/E-RIF individual, the agency may offer any salary step within the pay range of the job.

2. If the RIF/E-RIF declines the position, the agency may **NOT** offer a non-RIF candidate (or another RIF/E-RIF) a higher salary step than was previously offered to the RIF/E-RIF candidate. Agency recruiter must document RIF/E-RIF reason for declining job in recruitment file.

a. If there is a material change in the position (i.e., change of salary or hours), RIF/E-RIF'd individual who refused the position needs to be contacted again, advised of the change and given first right of refusal.

EXAMPLE: RIF'd individual is offered a position at the 3rd step of the range and declines the position. When recruitment continues, hiring official decides to consider current career service candidates. Due to DHRM promotion rules, internal candidate must be offered step 5 of the range. This is a higher salary than was offered to the RIF; therefore, the RIF needs to be contacted again and offered the higher salary. If RIF accepts he/she is placed in the position. If RIF declines, the position may be offered to the internal candidate at step 5 of the range.

F. Removal from the Reappointment Register:

1. A RIF/E-RIF may request removal from the reappointment register at any time during his/her remaining effective period. This request must be in writing to his/her assigned DHRM specialist.

2. DHRM will remove individuals when:

a. The effective period for placement on the reappointment registers expires.

b. When request for removal is received, in writing, from the RIF/E-RIF.

- c. When a RIF/E-RIF cannot be located via telephone and certified letter is returned from the Post Office as undeliverable (contact via phone or letter should be documented).
- d. When RIF/E-RIF no longer meets the eligibility requirements to remain on the reappointment register.

State of Utah

Work Force Adjustment Plan

Outline and Procedure

INSTRUCTIONS: 1) Answer all questions completely. Attach any necessary supporting documentation. 2) Submit the completed plan **without signatures** to DHRM for review. Allow five (5) working days for DHRM review. Factor in the five working day review period when calculating effective date of the plan. 3) Do not give affected employee(s) official written notification of the reduction in force until you have received final approved plan with DHRM signature.

- 1) Agency Name _____
- 2) Specify the reason(s) for Reduction in force (RIF).
 - a. If the reason for the RIF is inadequate funds or the need for cost savings, explain management's decision to implement or not implement a temporary furlough.
- 3) Did agency attempt to facilitate placement of affected employees through normal attrition, retirement, transfer, reassignment, voluntary relocation, retraining, and movement to vacant positions? (Offers should be made in writing and outcomes kept as part of the agency WFAP file.) ____ Yes ____ No
 - a. If yes, describe in detail the action(s) taken and the outcome of such action.
 - b. If no action taken, specify reasons why.
 - c. Was bumping allowed? Yes ____ No ____
If bumping was allowed, attach a detailed plan for how this is to be handled (i.e., agency-wide, cost center, geographic area, etc.). Include all positions that were impacted. Use official job titles, job ids and position identification numbers.

- 4) Specify implementation date(s) of work force adjustment plan _____
(allow 5-working days for DHRM approval and minimum of 20 working days notice for employees)

a. Will implementation of the plan occur in stages? Yes _____ No _____

If yes, explain:

- 5) Will this be an Agency-wide WFAP?

Yes _____ No _____

a. If no, specify the organizational unit(s) to be impacted by this work force adjustment plan.
Check all that apply.

_____ Low Org/Cost Center _____
(Specify Low Org(s))

_____ Geographic Location _____
(Specify location(s))

_____ Agency Program(s) _____
(Specify Program(s))

b. Provide justification and rationale for WFAP to be more limited than Agency-wide.

- 6) Identify the category(s) of work to be eliminated. Use official job titles and job id numbers.

a. Revenue source for category(s) of work identified.

b. Identify the county, or counties, where each position is located.

c. Attach an organizational chart(s) identifying the low org(s), employee names, official job titles/job id (i.e., Accounting Tech II, 14002), position identification numbers, pay ranges, and levels to be affected.

d. If limiting category of work to specific position(s), attach position analysis or other documentation to provide justification/rationale.

7) Have non-career service employees in the category of work (time-limited, seasonal, temporary, and probationary) been displaced? ☐ Yes ☐ No

If no, explain:

8. Retention Score Listing

Instructions:

- 1) List all affected employees and their retention scores.
- 2) Include all Career Service time. Seniority score should be written in number of years and fraction thereof (i.e., 17.25). Part-time employment should be calculated as a proportion of hours actually worked. Count time spent in leave without pay in the uniformed services covered under USERRA otherwise **do not count LWOP time.**
- 3) Average performance evaluation score should be the sum of all scores/3 or if less than three performance evaluations available sum of scores/number available.
- 4) Retention score is the seniority score plus the average performance evaluation score.

Retention score(s) calculated with date of _____.

[illegible]

*For an explanation of performance evaluation score system see R477-10-1. If less than 3 performance evaluation scores available, state the reason (i.e., new hire and date hired, etc.).

Recommending Officer

(Signature and Title)

Date

Department

Executive Director

(or designee)

(Signature)

Date

Department Human Resource

Official

(Signature)

Date

Department of Human Resource Management

Official

(Signature)

Date

*** Explanation of Proficiency Score Systems**:**

- a. Pass = 2, Fail = 0 (2 level rating system)
- b. Exceptional = 3, Successful = 2, Unsuccessful = 0 (3 level rating system)
- c. Exceptional = 3, Highly Successful = 2.5, Successful = 2, Unsuccessful = 0 (4 level rating system)
- d. Exceptional = 3, Highly Successful = 2.5, Successful = 2, Marginal = 1, Unsuccessful = 0 (5 level rating system)

****In addition to the ratings shown here, agency management may establish a rating category for highest level performers. Each employee who receives this rating shall receive a performance rating of 4.**

DHRM WFAP REVIEW CRITERIA

The criteria below will be used by DHRM when reviewing draft work force adjustment plans.

The plan meets requirements of the current state code: For example, plan is being implemented for a reason allowed by code; impacted employees are given minimum 20-working days notice of separation; all schedule A, temporary, and probationary employees have or will be separated prior to any schedule B employees being separated, etc.

The plan meets requirements of the current DHRM rules: For example, impacted categories of work have been identified, retention points have been calculated and listed, impacted employees have been identified, etc.

The plan meets requirements of the current DHRM business practice standards: For example, plan was submitted in draft form without signatures, category(s) of work have been correctly identified, organization chart(s) include low orgs and position identification numbers, etc.

All questions have been answered.

Each answer is clear, concise and thorough.

Each answer is relevant to that specific question. (It actually answers the question.)

Answer to one question does not conflict with the answer to another question on the WFAP.

All required information has been included: For example, a current organization chart (or charts) has been attached to the WFAP.

All pertinent supporting documentation has been included: For example, legislation mandating program changes, letters from federal agencies specifying funding cuts, financial information showing cost effectiveness of discontinuing specified categories of work, etc., have been included with the WFAP.

Employee Position and Job Title information in plan matches information on Agency Position Management Report in the HRE system.

**SAMPLE
AGENCY RIF NOTIFICATION LETTER**

Date
Name
Address (must provide employee address)

Dear

This letter is to notify you of your separation from state employment due to a Reduction in force (RIF). As you are aware, the funding for (name of program or reason for WFAP) will end on (Date). Therefore, this memo serves as your written notification of the intent of **(Agency Name)** to eliminate the position of **(Job Title/Position and Division/Office)**. You, as the incumbent, have 20 (twenty) working days to appeal this RIF. Your appeal must be submitted in writing to the Executive Director of the **Department of (Agency Name), (Director's Name)** by **(time)**. Your last day of work will be **(Date)**. You will be paid for any accrued annual leave, excess time, unused compensatory time or converted sick leave up to that date.

You will receive a letter from the Department of Human Resource Management which will provide information regarding your re-employment rights and options. In the meantime, you may contact DHRM directly at (801)538-3025.

On Agency copy: (submit the copy showing the receipt acknowledgement to DHRM)
Your signature and date shows that you received this letter. It does not waive any of your appeal rights.

Signature of RIF

Date

cc: DHRM, WFAP Coordinator

**SAMPLE
Agency Exempt Employee Separation Letter**

Date
Name
Address (Must include address)

Dear

This letter is to inform you of your separation from your exempt service position of **(Job Title)**. The reason for your separation is **(reason/optional)**. The effective date of your separation will be **(date)**. **(State severance pay, annual leave and other pay outs)**.

If you previously held a career service position without a break in service prior to your appointment to the exempt service position, you are eligible for placement on the reappointment register. The Department of Human Resource Management will determine your eligibility as an exempt-RIF and contact you regarding your placement on the reappointment register. If you qualify for placement on the reappointment register, the Department of Human Resource Management will assist you regarding employment opportunities with the State of Utah. If you require immediate assistance, you may contact DHRM directly.

Sincerely,

Executive Director

cc: DHRM, WFAP Coordinator

**SAMPLE DHRM
E-RIF INELIGIBILITY LETTER**

Date
Name
Address

Dear :

I have received and evaluated your status as an exempt RIF'd individual and have conducted a human resource records search. Our records show you are not eligible for placement on the reappointment register because you have not previously held a career service (schedule B) position, without a break in service, immediately prior to your exempt position. You may appeal this decision if you feel it has been made incorrectly. This appeal must be submitted to me in writing within 10 business days of receiving this notification. Please submit documentation to substantiate your claim.

If you have any further questions, please contact me at . If you are interested in employment with the State of Utah, I would be happy to meet with you to discuss job opportunities.

Sincerely,

WFAP Coordinator

**SAMPLE DHRM
EXEMPT RIF ELIGIBILITY EMPLOYEE
LETTER**

Date
Name
Address

Dear

Our office has been informed that you are not being retained in your exempt position of (insert title of position and agency). If you have previously held a career service position, without a break in service when you accepted subsequent exempt position(s), you are eligible for placement on the reappointment register as an Exempt-RIF.

A personnel records search shows that you previous held a Schedule B position and subsequently accepted a Schedule A position without a break in service. You are therefore eligible for placement on the state's reappointment register.

If you are interested in placement on the reappointment records, please contact me to schedule an intake interview. An intake interview is required prior to your placement on the register. Also, please complete the enclosed reappointment option form and bring it with you when you come for your intake interview.

If you have any questions or to schedule an intake interview, please contact me at (phone number).

Sincerely,

DHRM Assigned Specialist

**SAMPLE
DHRM INITIAL RIF LETTER**

Date

Name

Address

Dear

The Department of Human Resource Management has been informed that you were recently notified of your separation from employment with the State of Utah due to a reduction in force. The effective date of your separation is (Separation date).

As a result of this Reduction in force, you are entitled to placement on the reappointment register. You are eligible to remain on the reappointment register for one year from the effective date of your separation. Placement on the register will give you priority placement for any career service position for which you are eligible and meet the minimum job requirements.

In order to be placed on the reappointment register, you will need to contact me at (phone number) to make an appointment for an intake interview. Please complete a detailed Utah Skill Match scannable resume and cover sheet following the format described in the enclosed information packet and the enclosed reappointment option form. Bring these with you to the intake interview. If you need assistance with your resume, I will be happy to assist you in building a resume when we meet for this interview.

Your timely response is critical to your being placed on the reappointment register. If I do not hear from you within 30 days from the date of this letter, I will assume you are not interested in being placed on the reappointment register at this time. You can be placed on the reappointment register at any time during the one year period. However, you will not be considered for any positions as an eligible RIF employee, until you are placed on the reappointment register. In addition, remember that your 12-month eligibility for placement on the reappointment register begins with your date of separation **not the date you are placed on the register** (i.e., the lapsed time will be subtracted from your 12-month eligibility period).

Please contact me if you have any further questions and to schedule an intake interview.

Sincerely,

Human Resource Specialist
Enclosure

bc: RIF File

REAPPOINTMENT OPTION FORM FOR REDUCTION IN FORCE EMPLOYEES

NAME _____ SOCIAL SECURITY NO. _____
 ADDRESS _____
 HOME PHONE # _____ OTHER PHONE # _____
 AGENCY _____ EFFECTIVE DATE OF SEPARATION _____
 CURRENT JOB TITLE AND SALARY RANGE _____
 LAST CAREER SERVICE JOB TITLE AND SALARY RANGE (if above position is exempt) _____

It is my understanding that upon submitting my resume, cover sheet and completing an Intake Interview, I shall be eligible for reappointment, along with any other qualified Reduction in force employee(s), without re-examination, to any vacancy for which I meet the minimum job requirements. NOTE: If RIF'd from a career service position, eligibility period for reappointment will be 12-months. Employee is eligible for reappointment to a job with the same, or lower, salary range from position RIF'd. If an eligible RIF from an exempt position, eligibility period for reappointment will be until employee accepts a position comparable in salary range from his/her last career service position.

Willing to accept full-time career service employment? _____ Yes _____ No

Willing to accept part-time career service employment? _____ Yes _____ No

Willing to accept full or part-time time-limited (non career service) employment? _____ Yes _____ No

Willing to accept shift work? _____ Yes _____ No

Minimum salary willing to accept (optional) _____

List all counties in which you are willing to accept employment _____

Do you have access to the internet? _____ Yes _____ No

I ONLY WISH TO BE CONTACTED FOR THE FOLLOWING TYPES OF POSITIONS: _____

I only wish to be contacted for positions in these counties: _____

I acknowledge that I have had an intake interview with a Department of Human Resource Management representative and have received the letter to Reduction in force employees and information listed on the Intake Interview Checklist. I affirm that all information given by me on this form is true and accurate. I understand that I am required to let DHRM know if I change my address, phone, or availability. I understand that I will only be considered for any positions in the counties I have listed above, and for the shifts and status (career, non-career) I have listed above. I understand that an agency is not required to match my previous salary rate, and may offer the beginning salary of the range. I understand that I can change counties, availability, etc., at any time by completing a new Utah Skill Match Cover Sheet.

Signature of RIF/E-RIF _____ Date _____

Signature/DHRM Representative _____ Date _____

FOR OFFICE USE ONLY

Type of RIF: E-RIF _____ UCA 67-19-17

RIF _____ UCA 67-19-18

Reappointment Effective Date _____

Reappointment Cancellation Date _____

INTAKE INTERVIEW CHECKLIST

The following information is to be provided to the RIF=d/E-RIF'd individual at the time of the intake interview. Please check off each item as it is provided to the employee, and have the employee sign that they have received the required information.

	Get completed reappointment option form from RIF/E-RIF. Ask if he/she wishes to specify contact on only certain <u>types</u> of employment or jobs. OR if RIF/E-RIF wants contact on all jobs for which qualified even if they are a much lower range. Specify <u>availability locations</u> for employment. Note: RIF/E-RIF can change this preference at any time.
	Explain UJM Recruitment Process.
	Ensure RIF/E-RIF has created a UJM Recruitment account. Assist if necessary.
	Get electronic copy of RIF/E-RIF Resume. May be submitted on a floppy disk or email attachment.
	Give RIF/E-RIF a copy of the RIF portion of Business Practices and discuss recruitment review procedures.
	Give RIF/E-RIF copy of current 100-step pay plan
	Give RIF/E-RIF specialist business card.
	If RIF/E-RIF does not have access to Internet, discuss ways of accessing open vacancies announcements.
	Discuss RIF/E-RIF job qualifications, eligibility and length of time on Reappointment Register,
	Discuss ways of maximizing RIF/E-RIF reappointment and obtaining State employment. (i.e., encourage RIF/E-RIF to keep resume updated, apply for any job for which he/she meets qualifications, be proactive, keep specialist informed of any changes in circumstances, request assistance, etc.)

RIF/E-RIF Signature Date

DHRM Specialist Signature Date